

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 4176
OFFERED BY MR. THOMPSON OF MISSISSIPPI**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Air Cargo Security
3 Improvement Act of 2018”.

**4 SEC. 2. ESTABLISHMENT OF AIR CARGO SECURITY DIVI-
5 SION.**

6 (a) IN GENERAL.—Subchapter II of chapter 449 of
7 title 49, United States Code, is amended by adding at the
8 end the following new section:

9 “§ 44947. Air cargo security division

10 “(a) ESTABLISHMENT.—Not later than 90 days after
11 the date of the enactment of this section, the Adminis-
12 trator of the Transportation Security Administration shall
13 establish an air cargo security division to carry out all pol-
14 icy and engagement with air cargo security stakeholders.

15 “(b) LEADERSHIP; STAFFING.—The air cargo secu-
16 rity division established pursuant to subsection (a) shall
17 be headed by an individual in the executive service within
18 the Transportation Security Administration and be staffed

1 by not fewer than four full-time equivalents, including the
2 head of the division.

3 “(c) STAFFING.—The Administrator of the Trans-
4 portation Security Administration shall staff the air cargo
5 security division with existing Transportation Security Ad-
6 ministration personnel.”.

7 (b) CLERICAL AMENDMENT.—The table of sections
8 at the beginning of chapter 449 of title 49, United States
9 Code, is amended by inserting after the item related to
10 section 44946 the following new item:

“44947. Air cargo security division.”.

11 **SEC. 3. FEASIBILITY STUDY AND PILOT PROGRAM FOR**
12 **EMERGING TECHNOLOGIES.**

13 (a) STUDY.—Not later than 120 days after the date
14 of the enactment of this Act, the Administrator of the
15 Transportation Security Administration, in coordination
16 with the Under Secretary for Science and Technology of
17 the Department of Homeland Security, shall submit to
18 Committee on Homeland Security of the House of Rep-
19 resentatives and the Committee on Commerce, Science,
20 and Transportation of the Senate a feasibility study re-
21 garding expanding the use of computed tomography tech-
22 nology for the screening of air cargo transported on pas-
23 senger aircraft operated by an air carrier or foreign air
24 carrier in air transportation, interstate air transportation,

1 or interstate air commerce. Such study shall consider the
2 following:

3 (1) Opportunities to leverage computed tomog-
4 raphy systems used for screening passengers and
5 baggage.

6 (2) Costs and benefits of using computed to-
7 mography technology for screening air cargo.

8 (3) An analysis of emerging computed tomog-
9 raphy systems that may have potential to enhance
10 the screening of air cargo, including systems that
11 may address aperture challenges associated with
12 screening certain categories of air cargo.

13 (4) An analysis of emerging screening tech-
14 nologies, in addition to computed tomography, that
15 may be used to enhance the screening of air cargo.

16 (b) PILOT PROGRAM.—Not later than 120 days after
17 submission of the feasibility study required under sub-
18 section (a), the Administrator of the Transportation Secu-
19 rity Administration shall initiate a two-year pilot program
20 to achieve enhanced air cargo security screening outcomes
21 through the use of new or emerging screening tech-
22 nologies, such as computed tomography technology, as
23 identified through such study.

24 (c) UPDATES.—Not later than 60 days after the initi-
25 ation of the pilot program under subsection (b) and every

1 six months thereafter for two years, the Administrator of
2 the Transportation Security Administration shall brief the
3 Committee on Homeland Security of the House of Rep-
4 resentatives and the Committee on Commerce, Science,
5 and Transportation of the Senate on the progress of im-
6 plementation of such pilot program.

7 (d) DEFINITIONS.—In this section:

8 (1) AIR CARRIER.—The term “air carrier” has
9 the meaning given such term in section 40102 of
10 title 49, United States Code.

11 (2) AIR TRANSPORTATION.—The term “air
12 transportation” has the meaning given such term in
13 section 40102 of title 49, United States Code.

14 (3) FOREIGN AIR CARRIER.—The term “foreign
15 air carrier” has the meaning given such term in sec-
16 tion 40102 of title 49, United States Code.

17 (4) INTERSTATE AIR COMMERCE.—The term
18 “interstate air commerce” has the meaning given
19 such term in section 40102 of title 49, United
20 States Code.

21 (5) INTERSTATE AIR TRANSPORTATION.—The
22 term “interstate air transportation” has the mean-
23 ing given such term in section 40102 of title 49,
24 United States Code.

1 **SEC. 4. AIR CARGO REGULATION REVIEW.**

2 (a) REVIEW.—Not later than 150 days after the date
3 of the enactment of this Act, the Administrator of the
4 Transportation Security Administration shall submit to
5 the Committee on Homeland Security of the House of
6 Representatives and the Committee on Commerce,
7 Science, and Transportation of the Senate a report on ac-
8 tions to improve the Certified Cargo Screening Program
9 as established by the Administrator in September 2009.
10 The report shall—

11 (1) review the degree to which the Program is
12 effective at fully addressing evolving threats to air
13 cargo, particularly as air cargo volumes fluctuate;

14 (2) review any vulnerabilities in the Program
15 and effectiveness of information sharing with air
16 cargo security stakeholders; and

17 (3) include information on actions to be taken
18 to address findings in paragraphs (1) and (2), in-
19 cluding information on plans to issue new rule-
20 making, if necessary.

21 **SEC. 5. COMPTROLLER GENERAL REVIEW.**

22 (a) IN GENERAL.—Not later than two years after the
23 date of the enactment of this Act, the Comptroller General
24 of the United States shall—

25 (1) review the Department of Homeland Secu-
26 rity's analysis and intelligence pre-screening proc-

1 esses and procedures for air cargo entering the
2 United States;

3 (2) review the pilot program conducted pursu-
4 ant to section 3;

5 (3) assess the effectiveness of the Department's
6 risk-based strategy for examining air cargo and en-
7 suring compliance with air cargo security rules and
8 regulations; and

9 (4) review the Department's information shar-
10 ing procedures and practices for disseminating infor-
11 mation to relevant stakeholders on preventing, miti-
12 gating, and responding to air cargo related threats.

13 **SEC. 6. KNOWN SHIPPER PROGRAM REVIEW.**

14 The Administrator shall request the Air Cargo Sub-
15 committee of Aviation Security Advisory Committee (es-
16 tablished under section 44946 of title 49, United States
17 Code) to—

18 (1) conduct a comprehensive review and secu-
19 rity assessment of the known shipper program under
20 sections 1546.215 and 1548.17 of title 49, Code of
21 Federal Regulations;

22 (2) recommend whether the Known Shipper
23 Program should be modified or eliminated consid-
24 ering the full implementation of 100 percent screen-

1 ing under section 44901(g) of title 49, United States
2 Code; and
3 (3) report its findings and recommendations to
4 the Administrator of the Transportation Security
5 Administration.

